

UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA

Jennifer Fletcher,

Plaintiff,

vs.

State of Alaska,

Defendant.

Case No. 1:18-cv-00007-HRH

[PROPOSED] STIPULATED FINAL JUDGMENT AND ORDER

The plaintiff filed a complaint in this court, initiating the above-captioned matter involving the application of Title VII and its prohibition against sex discrimination to terms of a state employer provided health plan. On March 6, 2020 the Court denied the Defendant's motion for summary judgment and partially granted the Plaintiff's motion for summary judgment. The parties thereafter engaged in a process to resolve any remaining issues and have stipulated to the form of final judgment below, with the Defendant expressly reserving its right to appeal the decision of the court dated March 6, 2020, described above.

STIPULATED FINAL JUDGMENT

1. The Defendant, State of Alaska, shall pay Ms. Fletcher \$70,000.00 as compensation for her economic and non-economic damages, plus interest from June 1, 2017. Pre-judgment interest shall be paid using the rate specified in A.S. § 09.30.070(a); post-judgment interest shall be paid using the rate specified in 28 U.S.C. § 1961. If Ms.

Fletcher remains the prevailing party following a final appellate decision, the State agrees to submit the stipulated damages herein for inclusion in the judgment and claims bill during the legislative session immediately following the final appellate decision. Ms. Fletcher reserves her rights to enforce this judgment if the appropriation is not approved;

2. During the pendency of any appellate review, the State is enjoined from enforcing any categorical exclusion of gender transition-related surgical care in health coverage provided by the AlaskaCare Employee Health Plan or any successor health plan, and, if Ms. Fletcher remains the prevailing party after any appellate review is final, permanently thereafter, provided that all claims for gender transition-related surgical care shall be subject to all other relevant plan provisions;

3. Any motion for attorneys' fees and costs by either party shall be due 45 days after any appellate review is final;

4. This Stipulated Final Judgment neither affects nor extinguishes the Defendant's right to appeal the decision of the court dated March 6, 2020 including any petition for rehearing, *en banc* determination, or writ of certiorari on any appealable issue; and

5. The Court retains jurisdiction to enforce the judgment.

ORDERED, DECREED, AND ADJUDGED at Anchorage, Alaska, this _____ of June, 2020.

Honorable H. Russel Holland
United States District Court Judge